

ETUDES HELLENIQUES

HELLENIC STUDIES

**CRISE GRECQUE ET
UNIFICATION EUROPÉENNE**

**THE GREEK CRISIS AND
THE EUROPEAN UNIFICATION**

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Volume 22, No 1, Spring / Printemps 2014

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EU Asylum Policies & the Greek Presidency: An EU Opportunity

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RÉSUMÉ

La présidence grecque, entre autres, concentre ses efforts sur une approche européenne globale de sa politique de migration et de sa gestion. La politique d'asile de l'UE a été un sujet controversé depuis plus d'une décennie. Après une période d'harmonisation des politiques, l'UE a atteint une étape cruciale dans le développement d'un nouveau système commun d'asile européen. Les années 2012 et 2013 ont constitué une période déterminante dans le processus d'adoption du nouveau «paquet asile», c'est à dire, de la révision des instruments juridiques qui constituent le droit acquis de l'asile dans l'UE. Au niveau national, plusieurs États membres, comme la Grèce, ont apporté des changements majeurs à leurs systèmes d'asile en 2012 - dont certains étaient le résultat de pressions - relatifs par exemple au grand nombre de demandes et à la capacité limitée de les traiter, aux carences systémiques, ou la combinaison de ces facteurs. En Grèce, ont été établis de nouveaux organes administratifs chargés de la détermination du statut des réfugiés, de l'enregistrement des demandes de protection internationale, de la recevabilité de leur réception et des conditions d'appel. La réforme radicale du système d'asile ne va pas seulement entraîner un traitement équitable des réfugiés, mais apportera des avantages importants à la Grèce. Elle permettra de renforcer l'influence et la capacité d'Athènes à négocier au niveau de l'UE les changements dans les politiques européennes sur l'asile.

ABSTRACT

The Hellenic Presidency, among others, focuses its efforts on a European holistic approach and management of the migration policy. EU Asylum Policy has been a controversial topic for more than a decade. Following a period of policy harmonisation, the EU has reached a crucial stage in the development of a new Common European Asylum System. 2012-2013 was a defining period in the process of adopting the new 'Asylum Package', i.e., the revision of the legal instruments that comprise the EU asylum acquis. At the national level, several Member States, such as Greece, made major changes to their asylum systems in 2012, some of which

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were the result of pressures such as large numbers of applications, limited capacity to process applications, systemic deficiencies, or a combination of these and other factors. In Greece, it has been established new administrative bodies responsible for registration of applications for international protection, status determination, reception and appeal. The radical reform of the asylum system will not only entail a fair treatment of refugees, but will bring important benefits to Greece. It will reinforce the country's influence and ability to negotiate at the EU level changes in European policies.

1. Greek Presidency Priorities in the Area of Migration and Asylum

This Presidency is the fifth Hellenic Presidency of the Council since Greece joined the then European Communities in 1981. This period is a major turning point, not only for Greece itself, as it emerges from a crisis that has exacted many hard sacrifices from the Greek people, but also for the Union as a whole, as we make our final arguments in the debate on the future of our Union, ahead of the May 2014 European elections. There is very real uncertainty as to the new European social and political landscape that will result from the European elections in May. The citizens of Europe are experiencing this uncertainty on the levels of diminishing financial and job security, eroding social cohesion, rising Euroscepticism. They are experiencing it as the absence of a viable historical narrative in which they have a real voice in the Union's legislative and executive institutions; a new narrative that reasserts the values of the European social state, democracy, solidarity, a European model for competitiveness and sustainable growth. So the Hellenic Presidency will also be an institutional voice in the crucial political conversation Europe will be carrying out over the next six months.³

The Presidency focuses on the following: (A) Promoting growth, employment and cohesion, (B) Deepening the Union, especially the EMU, by introducing policies and actions to improve deficiencies in the Euro area architecture, which surfaced during the current crisis, (C) Migration, border management and mobility of Union citizens, in the context of enhancing European security, both internally and externally. This is something that concerns first and foremost the countries on Europe's external borders, like Greece; the countries in the South, the Mediterranean; countries with extensive coastlines, like Greece and Italy, or island countries like Malta and Cyprus, (D) EU Sea Policies-Horizontal Thematic.⁴

As far as the field of migration and asylum is concerned, the Hellenic Presidency focuses its efforts on a European holistic approach and management of the migration policy, with parallel actions to mitigate the consequences in the economic, social and political reality of EU Member-States, as well as enhances the policies related to migration, in the context of an EU Global Approach to Migration. According to the Greek Minister of Public Order and Citizen Protection, the Hellenic Presidency works to promote important issues such as: (i) The increase of EU funding for addressing migration flows; (ii) The improvement of policies on returns/readmissions of third country nationals with corresponding increase of EU funding; (iii) Defining the strategic objectives and setting the priorities of the EU in the field of Justice and Home Affairs for the post-Stockholm era; (iv) Updating the “EU Action Plan on tackling migration pressure – Strategic response,” placing particular emphasis on measures tackling illegal migration and combating human trafficking; (v) Fair burden-sharing and cooperation of the Member States and the EU institutions across the range of policy on asylum and migration; (vi) To this end, Greece will work, inter alia, on promoting cooperation with third countries (origin and transit) in all matters concerning an integrated and effective management of migration policy; (vii) The implementation of the Common European Asylum System, with particular emphasis on measures to strengthen solidarity and fair burden sharing to all those Member States who are under particular pressure due to mixed migration flows.⁵

2. The Asylum Situation in Greece

It is known that Greece is, today, a main entry point to the European Union for thousands of migrants and refugees who enter the country without legal documents in mixed migratory movements. It is assumed that for most, the intended final destination is another European country with better employment and living prospects, or with a better asylum system. Given their inability to exit Greece by legal means, many are “trapped” on Greek territory, where they remain without a legal status. This situation, in combination with the economic crisis, which the country is experiencing today, leads to an increase of marginalization and destitution for large numbers of third country nationals, while it creates social tensions, as well as a climate of growing discontent with the presence of foreigners in general. At the same time, a situation in which

many third country nationals are trapped in Greece, also provides fertile ground for racist behavior and indiscriminate violent incidents by extremist groups. The existing problems of the degradation of areas that record a high concentration of “undocumented” foreigners, jobless, homeless and destitute persons, coupled with the limited integration prospects in Greek society (in terms of law as well as in terms of practice) of third country nationals, are aggravating the problem further. They are also providing the ground for the operation of networks of human trafficking and other criminal activities.⁶

The asylum procedure was, for many years, characterized by a lack of essential procedural guarantees, including a lack of qualified interpretation during interviews, poor quality of interviews and interview records and poor quality of decisions as well as an extremely low recognition rates (of close to zero percent at the first instance), despite the composition of asylum-seekers, including many from countries of origin, facing serious human rights situations or conflict. The second instance of the asylum-procedure (which is the final administrative decision-making instance, in the event of an appeal against the first instance decision) has been through successive changes and “adventures”, until it reached the configuration and regulation of today’s Appeals Committees. Another serious problem was the delay in examining asylum-claims and in reaching a final decision, which resulted in thousands of people living in a state of uncertainty for many years. At the end of 2010, a backlog of some 47,000 asylum applications were pending examination at second instance, having accumulated over many years. While the processing and examination of these pending asylum-applications has started in early 2011 and is underway, large numbers of cases still need to be managed. The problematic functioning of the asylum system resulted in a situation in which many refugees and others in need of international protection are not able to or do not seek asylum in Greece, not having faith in the asylum-system and hope to reach another country in Europe, with better prospects of being granted protection, if identified in need of such protection. By contrast, many third country nationals who arrived in Greece for economic reasons only, make every effort to apply for asylum as the only means to legalize their stay in the country temporarily and until their claim is rejected, which may take years.⁷

3. The (New) Greek Asylum Service: a Move Forward.

Greece has been facing great pressure at its external borders for several years, while the country's infrastructure was insufficient with respect to the management of the disproportionately large mixed flows, which include persons potentially in need of international protection. In line with the National Action Plan on Asylum and Migration Management agreed between the Greek authorities and the European Commission in 2010, and after the enactment of the law 3907/2011 'Establishment of Asylum Service and First Reception Service, the transposition of the 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals', Greece proceeded with the setting up and staffing of the new Asylum Service, the new Appeals Authority and the new First Reception Service. These bodies are civilian structures, under the authority of the Ministry of Public Order and Citizen Protection, staffed with trained professionals and charged with the reception and screening of applicants for international protection and the examination of their applications.⁸

The new autonomous Asylum Service, which is operated by civil servants, trained by specialists in the field with the cooperation of UNHCR and EASO, was established by law 3907/2011, and will be competent to adjudicate all applications for international protection once operational. The objective of the Asylum Service is to apply the national legislation and to abide by the country's international obligations regarding the recognition of refugee status and, more generally, granting international protection to third country nationals who have fled their country due to well-founded fear of being persecuted for the reasons specified in the 1951 Geneva Convention, or due to reasons justifying subsidiary or temporary protection. To this objective, the Asylum Service aims at: Receiving and examining applications for international protection lodged in Greece and deciding on them, at first instance, Informing the persons applying for international protection on the application procedure, as well as on their rights and obligations under it, Collecting and assessing information on the economic, social and political situation prevailing in the countries of origin of the foreign nationals and continuously monitoring the developments in these countries, in cooperation with the competent, for this purpose, other Greek or foreign authorities, especially in accordance with the relevant international agreements, Providing

third-country nationals applying for international protection, as well as the beneficiaries of international protection, with the identity and travel documents provided for by law, Processing applications for family reunification of refugees, Facilitating applicants with regard to material reception conditions, in collaboration with other competent bodies, Preparing legislative texts and administrative acts on issues of its competence and Cooperating with governmental bodies, independent authorities and nongovernmental organisations, institutions and bodies of the European Union and international organizations for more effectively fulfilling its mission. The Asylum Service shall also help design the Greek policy on international protection and shall cooperate with international organisations and the European Union institutions in the areas of its remit. The new Appeals Authority, also established by the same law and administratively supported by the Asylum Service, will examine, at second instance, appeals against negative decisions on applications for international protection.⁹

4. Towards a Common European Asylum System: from “Dublin II” to “Dublin III”.

EU Asylum Policy has been a controversial topic for more than a decade. Following a period of policy harmonisation, the EU has reached a crucial stage in the development of a new Common European Asylum System. In more details, since 1999, the EU has been working to create a Common European Asylum System (CEAS) and improve the current legislative framework. The Treaty of Amsterdam, which entered into force in 1999, granted the EU competence in asylum and immigration, and EU leaders agreed to develop a Common European Asylum System. To achieve this, the member states adopted the following measures between 2000 and 2005, which constituted the first phase of legislation: The EURODAC Regulation, establishing a fingerprint database to assist in the identification of asylum seekers (December 2000); The Dublin II Regulation, determining which Member State has jurisdiction to examine and decide an asylum application (February 2003); The Temporary Protection Directive, on minimum standards for providing temporary protection in the event of a mass influx of displaced persons (July 2001); The Reception Conditions Directive, laying down minimum standards for the reception of asylum seekers (January 2003); The Qualification

Directive, laying down minimum standards for qualification and status as either a refugee or a beneficiary of subsidiary protection (April 2004); The Asylum Procedures Directive, laying down minimum standards on procedures for the granting and withdrawing of international protection (December 2005).¹⁰ New EU rules have now been agreed, setting out common high standards and stronger co-operation to ensure that asylum seekers are treated equally in an open and fair system – wherever they apply.¹¹

The revised Asylum Procedures Directive aims at fairer, quicker and better quality asylum decisions. Asylum seekers with special needs will receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture.¹² In more details, the new Asylum Procedures Directive is much more precise. It creates a coherent system, which ensures that asylum decisions are made more efficiently and more fairly and that all Member States examine applications with a common high quality standard. It sets clearer rules on how to apply for asylum: there have to be specific arrangements, for example at borders, to make sure that everyone who wishes to request asylum can do so quickly and effectively. Procedures will be both faster and more efficient. Normally, an asylum procedure will not be longer than six months. There will be better training for decision-makers and more early help for the applicant, so that the claim can be fully examined quickly. These investments will save money overall, because asylum seekers will spend less time in state-sponsored reception systems and there will be fewer wrong decisions, so fewer costly appeals. Anyone in need of special help - for example because of their age, disability, illness, sexual orientation, or traumatic experiences will receive adequate support, including sufficient time, to explain their claim. Unaccompanied children will be appointed a qualified representative by the national authorities. Cases that are unlikely to be well-founded can be dealt with in special procedures ('accelerated' and 'border' procedures). There are clear rules on when these procedures can be applied, to avoid well-founded cases being covered. Unaccompanied children seeking asylum and victims of torture benefit from special treatment in this respect. Rules on appeals in front of courts are much clearer than previously. Currently, EU law is vague and national systems do not always guarantee enough access to courts. As a result, many cases end up in with the European Court of Human Rights in Strasbourg, which is costly and creates

legal uncertainty. The new rules fully comply with fundamental rights and should reduce pressure on the Strasbourg court. Member States will also become better equipped to deal with abusive claims, in particular with repetitive applications by the same person. Someone who does not need protection will no longer be able to prevent removal indefinitely by continuously making new asylum applications.¹³

The revised Reception Conditions Directive ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the concerned persons are fully respected. It also ensures that detention is only applied as a measure of last resort.¹⁴ In more details, the new Reception Conditions Directive aims to ensure better as well as more harmonised standards of reception conditions throughout the Union. For the first time, detailed common rules have been adopted on the issue of detention of asylum seekers, ensuring that their fundamental rights are fully respected. In particular: it includes an exhaustive list of detention grounds that will help to avoid arbitrary detention practices and limits detention to as short a period of time as possible; Restricts the detention of vulnerable persons in particular minors; Includes important legal guarantees such as access to free legal assistance and information in writing when lodging an appeal against a detention order; Introduces specific reception conditions for detention facilities, such as access to fresh air and communication with lawyers, NGOs and family members. The new Directive also clarifies the obligation to conduct an individual assessment in order to identify the special reception needs of vulnerable persons. It provides particular attention to unaccompanied minors and victims of torture and ensures that vulnerable asylum seekers can also access psychological support. Finally, it includes rules on the qualifications of the representatives for unaccompanied minors. Access to employment for an asylum seeker must now be granted within a maximum period of 9 months.

The revised Qualification Directive clarifies the grounds for granting international protection and therefore will make asylum decisions more robust. It will also improve the access to rights and integration measures for beneficiaries of international protection.¹⁵ In more details, the new Qualification Directive will contribute to improve the quality of the decision-making and ensure that people fleeing persecution, wars and torture are treated fairly, in a uniform

manner. It clarifies the grounds for granting international protection and leads to more robust determinations, thus improving the efficiency of the asylum process and prevention of fraud, and ensures coherence with the European court's judgments. It approximates to a large extent the rights granted to all beneficiaries of international protection (recognised refugees and recipients of so-called "subsidiary protection") on access to employment and health care. It also extends the duration of validity of residence permits for beneficiaries of subsidiary protection. It ensures a better taking into account of the best interests of the child and of gender-related aspects in the assessment of asylum applications, as well as in the implementation of the rules on the content of international protection. It improves the access of beneficiaries of international protection to rights and integration measures. It better takes into account the specific practical difficulties faced by beneficiaries of international protection.

The revised Dublin Regulation enhances the protection of asylum seekers during the process of establishing the State responsible for examining the application, and clarifies the rules governing the relations between states. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged crises.¹⁶ In more details, the new Dublin contains sound procedures for the protection of asylum applicants and improves the system's efficiency through: An early warning, preparedness and crisis management mechanism, geared to addressing the root dysfunctional causes of national asylum systems or problems stemming from particular pressures. A series of provisions on protection of applicants, such as compulsory personal interview, guarantees for minors (including a detailed description of the factors that should lay at the basis of assessing a child's best interests) and extended possibilities of reunifying them with relatives. The possibility for appeals to suspend the execution of the transfer for the period when the appeal is judged, together with the guarantee of the right for a person to remain on the territory pending the decision of a court on the suspension of the transfer pending the appeal. An obligation to ensure legal assistance free of charge upon request. A single ground for detention in case of risk of absconding; strict limitation of the duration of detention. The possibility for asylum seekers that could in some cases be considered irregular migrants and returned under the Return Directive, to be treated under the Dublin procedure - thus giving these persons more protection than the Return Directive. An obligation to

guarantee right to appeal against transfer decision. More legal clarity of procedures between Member States - e.g. exhaustive and clearer deadlines. The entire Dublin procedure cannot last longer than 11 months to take charge of a person, or 9 months to take him/her back (except for absconding or where the person is imprisoned).

The revised EURODAC Regulation will allow law enforcement access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes, such as murder and terrorism.¹⁷ In more details, the new Regulation improves the regular functioning of EURODAC. It sets new time limits for fingerprint data to be transmitted, reducing the time which elapses between the taking and sending of fingerprints to the Central Unit of EURODAC. It also ensures full compatibility with the latest asylum legislation and better addresses data protection requirements. Until now, the EURODAC database could only be used for asylum purposes. The new Regulation now allows national police forces and Europol to compare fingerprints linked to criminal investigations with those contained in EURODAC. This will take place under strictly controlled circumstances and only for the purpose of the prevention, detection and investigation of serious crimes and terrorism. Specific safeguards include a requirement to check all available criminal records databases first and limiting searches only to the most serious crimes, such as murder and terrorism. In addition, prior to making a EURODAC check, law enforcement authorities must undertake a comparison of fingerprints against the Visa Information System (where permitted). Law enforcement checks may not be made in a systematic way, but only as a last resort when all the conditions for access are fulfilled. No data received from EURODAC may be shared with third countries.

5. Concluding Remarks

Policy towards asylum seekers has been a controversial topic for more than a decade. Following a period of policy harmonisation, the EU has reached a crucial stage in the development of a new Common European Asylum System. 2012-2013 was a defining period in the process of adopting the new 'Asylum Package', i.e., the revision of the legal instruments that comprise the EU asylum *acquis*. After the adoption of the revised Qualification Directive in 2011,

political agreement was reached in 2012 on the recasts of the Dublin Regulation and the Reception Conditions Directive. Political agreement on the Asylum Procedures Directive and the EURODAC Regulation was reached in March 2013. Significant developments took also place in jurisprudence at European level from the Court of Justice of the European Union and the European Court of Human Rights with regard to the interpretation and application of the existing EU asylum *acquis*. European jurisprudence also influenced the drafting of the second generation asylum package.

At the national level, several Member States, such as Greece, made major changes to their asylum systems in 2012, some of which were the result of pressures such as large numbers of applications, limited capacity to process applications, systemic deficiencies, or a combination of these and other factors. In Greece, it has been established new administrative bodies responsible for registration of applications for international protection, status determination, reception and appeal. The rationalization of the asylum system will also mean that thousands of persons, whose claims are pending examination for years, will finally move out of the state of uncertainty, in which they have been kept for years. By providing international protection and, with it, a legal status to those in need and entitled to it, prospects for the integration of refugees in Greek society will significantly improve. This will enable persons in need of international protection to emerge from exclusion and marginalization, with beneficial effects on issues of public order and security. Rationalization [of the asylum system] will also mean that persons, having arrived in Greece for purely economic reasons, will not be resorting to the asylum system to legalize their stay in the country temporarily, since their claims will be rejected within a short period of time. This of course implies shifting the burden of those who wish to be legalized, even temporarily, from the asylum route to the migration route, therefore appealing for more flexible criteria in the migration policy for migrants who have established strong links and livelihoods in the country.

The radical reform of the asylum system will not only entail a fair treatment of refugees, but will bring important benefits to Greece. It will reinforce the country's influence and ability to negotiate at the EU level changes in European policies, including (1) a revision of the Dublin System, which provides for the examination of asylum claims by the first country of entry and, therefore, return of the asylum seeker to that country, if the person has

departed to another EU Member State, (2) solidarity in practice with states which are undergoing serious pressures of mixed migratory movements and are faced with high numbers of asylum applications, (3) the relocation within the EU of recognized refugees as well as other initiatives relating to solidarity and responsibility sharing. Only if Greece demonstrates an important improvement in observing its international obligations, including those pertaining to the protection of refugees, will it be able to negotiate, from a better position, such changes at the European level.¹⁸

NOTES

1. Deputy Prime Minister and Foreign Minister Venizelos' New Year's message as Greece assumes the Presidency of the Council of the EU, 31.12.2013, <http://gr2014.eu/news/speeches/deputy-prime-minister-and-foreign-minister-venizelos%E2%80%99-new-year%E2%80%99s-message-greece>.
2. Prime Minister Samaras' remarks at the European Council, 27.12.2013, <http://gr2014.eu/news/speeches/prime-minister-samaras%E2%80%99-remarks-european-council>.
3. Presentation of the Greek Presidency priorities in the area of migration and asylum by the Minister of Public Order and Citizen Protection in the Council of Ministers for Justice and Home Affairs, 06.12.2013, <http://gr2014.eu/news/press-releases/presentation-greek-presidency-priorities-area-migration-and-asylum-minister>.
4. Panayiotis N. Papadimitriou and Ioannis F. Papageorgiou "The New "Dubliners": Implementation of European Council Regulation 343/2003 (Dublin II) by the Greek authorities", *Journal of Refugee Studies* Vol. 18, No. 3 2005, pp. 299-318, Sylvie Da Lomba "The Right to seek Refugee Status in the European Union", *Intersentia* UK & USA, 2004, p. 137.
5. United Nations High Commissioner for Refugees-Office in Greece Contribution to the dialogue on migration and asylum, May 2012, available at: http://www.unhcr.gr/fileadmin/Greece/News/2012/positions/2012_Migration__Asylum_EN.pdf, accessed on 04.03.2014.
6. European Migration Network, *Greece, Annual Policy Report 2012*, March 2012, available at: emn.intrasoft-intl.com, European Asylum Support Office, *Annual Report on the Situation of Asylum in the European Union 2012*, pp. 44-46, available at: <http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>, accessed on 04.03.2014, Tamara Jonjić and Georgia Mavrodi, *Immigration in the EU: policies and politics in times of crisis 2007-2012*, Florence, November 2012, pp. 47-85, available at: http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=32611, accessed on 04.03. 2014.

7. *Dublin Regulation National Report*, European network for technical cooperation on the application of the Dublin II Regulation, Greece, 30 October 2012, available at: <http://www.refworld.org/docid/514052432.html>, pp. 17-26, accessed on 04.03.2014; *Greek Action Plan on Asylum and Migration Management*, Ministry of Public Order and Citizen Protection, December 2012, available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_exec_summary/p4_exec_summary_en.pdf, accessed on 04.03.2014.
8. Among others, see: Olga Ferguson Sidorenko “The Common European Asylum System, Background, Current State of Affairs, Future Direction”, The Hague, 2007.
9. *Moving Further Toward a Common European Asylum System*, UNCHR, June 2013, available at: <http://www.unhcr.org/51b7348c9.html>, pp. 2-4, accessed on 04.03.2014; *A Common European Asylum System*, European Commission, Home Affairs, available at: http://ec.europa.eu/dgs/home-affairs/e-library/docs/ceas-fact-sheets/ceas_factsheet_en.pdf, pp. 3-8, accessed on 04.03.2014; Gregor Hamann, Beata Hulinova, Shama Malik, Anna Wrzesinska, “Development of the Common European Asylum System, a move forward”, 4 April 2010, available at: http://tu-dresden.de/die_tu_dresden/zentrale_einrichtungen/zis/newseceu/outcomes/papers_folder/SocSec_Asylum%20System.pdf, accessed on 04.03.2014.
10. The Asylum Procedures Directive sets out rules on the whole process of claiming asylum, including on: how to apply, how the application will be examined, what help the asylum seeker will be given, how to appeal and whether the appeal will allow the person to stay on the territory, what can be done if the applicant absconds, or how to deal with repeated applications. The previous Directive was the lowest common denominator between Member States at the time. The rules were often too vague and derogations allowed Member States to keep their own rules, even if these went below basic agreed standards. Recast Directive 2003/9/EC. Council of the European Union, Reception conditions for asylum seekers: Better and more harmonised living standards and more effective rules for fighting abuse, 14556/12, 25 October 2012, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/133193.pdf, accessed on 04.03.2014.
11. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status., available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:0034:EN:PDF>, accessed on 04.03.2014.
12. The Reception Conditions Directive deals with access to reception conditions for asylum seekers while they wait for the examination of their claim. It ensures that applicants have access to housing, food, health care and employment, as well as medical and psychological care. In the past, diverging practices among Member States could however lead to an inadequate level of material reception conditions for asylum seekers. Recast Directive 2003/9/EC. Council of the European Union, Reception conditions for asylum seekers: Better and more harmonised living standards and more effective rules for fighting abuse, 14556/12,

25 October 2012, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/133193.pdf, accessed on 04.03.2014.

13. The Qualification Directive specifies the grounds for granting international protection. Its provisions also foresee a series of rights on protection from *refoulement*, residence permits, travel documents, access to employment, access to education, social welfare, healthcare, access to accommodation, access to integration facilities, as well as specific provisions for children and vulnerable persons. The minimum standards in the previous Directive were to a certain extent vague, which maintained divergences in national asylum legislation and practices. The chances of a person to be granted international protection could vary tremendously depending on the Member State processing the asylum application. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, (recast), available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PD>, accessed on 04.03.2014.
14. The core principle of the Dublin Regulation is that the responsibility for examining claim lies primarily with the Member State which played the greatest part in the applicant's entry or residence in the EU. The criteria for establishing responsibility run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly. Experience of the previous system has however shown the need to better address situations of particular pressure. Recast Directive 2003/9/EC. Council of the European Union, Reception conditions for asylum seekers: Better and more harmonised living standards and more effective rules for fighting abuse, 14556/12, 25 October 2012, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/133193.pdf, accessed on 04.03.2014.
15. The EURODAC Regulation establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the EURODAC central system. EURODAC has been operating since 2003 and has proved a very successful IT tool. Some updates were however required, in particular to reduce the delay of transmission by some Member States, to address data protection concerns and to help combat terrorism and serious crime. Council Regulation (EC) No 2725/2000. OJ L316, 15.12.2000.
16. United Nations High Commissioner for Refugees- Office in Greece Contribution to the dialogue on migration and asylum, May 2012, available at: http://www.unhcr.gr/fileadmin/Greece/News/2012/positions/2012_Migration___Asylum_EN.pdf, accessed on 04.03.2014.